

ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C.

In re

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations
(Prineville and Sisters, Oregon)

MM Docket No. 92-3
RM-7874, RM-7958

RECEIVED

OCT 12 1993

To: The Commission

OPPOSITION TO MOTION TO STRIKEFEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Various radio licensees serving Central Oregon communities (collectively, the "Licensees")^{1/} oppose Schuyler H. Martin's October 8 Motion to Strike in this proceeding.

1. The Order Denying Motion to Strike ("Order"), 8 FCC Rcd 4471 (1993), rejected Martin's earlier Motion concerning our Petition for Reconsideration of the Report and Order, 57 Fed. Reg. 47006 (October 14, 1992). Martin had falsely claimed that our reconsideration request was late. The Order confirmed that our Petition was indeed timely. Martin sought review of the Order on August 9, which we opposed on September 24.

2. Martin's new Motion repeats the lateness charge, this time against our September 24 Opposition. Martin claims that we filed our Opposition one month late "[f]or reasons best known to the Licensees and their joint counsel." Martin chides us for failing to supply any "petition for leave to file [or] ... any explanation given for the lack of diligence and timeliness"

^{1/} Our prior filings in this Docket set forth the Licensees' identities and associated broadcast stations.

3. Martin's pleading is truly remarkable. We did not request leave to file on September 24 simply because we needed none. Nor have we exhibited a lack of dillgence. Rather, we have once more merely followed the Commission's unambiguous procedural mandates. And Martin, once more, has sought to create the appearance of an issue where none exists.

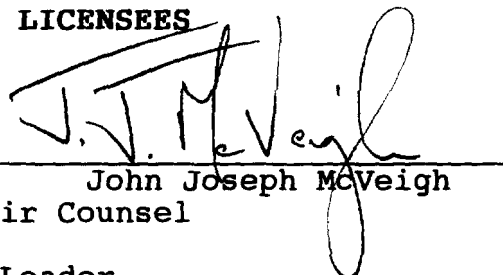
4. On September 2, 1993, the Commission gave public notice of Martin's Application for Review. See Exhibit A. Therein, the Agency directed anyone interested in opposing Martin's pleading to do so within 15 days after Federal Register publication of an announcement of Martin's filing. That announcement appeared September 9. See Exhibit B. Therein, the Commission stated that any Opposition to Martin's pleading "must be filed September 24, 1993." We took the Commission at its word and did so.

5. Martin insists on burdening this Commission with pleadings so wrong-headed as to raise questions concerning their bona fides. His latest Motion to Strike, as his prior one, rests on a blatantly false premise. The Commission must reject the Motion forthwith and take further appropriate action.

Respectfully submitted,

THE LICENSEES

By


John Joseph McVeigh
Their Counsel

Fisher, Wayland, Cooper and Leader
1255 Twenty-third Street Northwest,
Suite 800
Washington, D.C. 20037-1170
(202) 659-3494

Date: October 12, 1993

EXHIBIT A



PUBLIC NOTICE

395610

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET N.W.
WASHINGTON, D.C. 20554

34749

News media information 202/632-5050. Recorded listing of releases and texts 202/632-0002.

REPORT NO. 1963

September 2, 1993

APPLICATION FOR REVIEW OF ACTION IN RULEMAKING PROCEEDING

Application For Review has been filed in the Commission rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in room 239, 1919 M Street, N.W. Washington, D.C. or may be purchased from the Commission's copy contractor ITS, Inc. (202) 857-3800. Opposition to this petition must be filed within 15 days of the date of public notice of the petition in the Federal Register. See Section 1.4(b) (1) of the Commission's rules (47 CFR 1.4(b) (1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

SUBJECT: Amendment of Section 73.202 (b) of the Commission's Rules,
Table of Allotments FM Broadcast Stations (Prineville and Sisters,
Oregon) (MM Docket No. 92-3, RM No. 7874 and 7958)

FILED BY: Irving Gastfreund, Attorney for SCHUYLER H. MARTIN on 08-09-93.

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D 1/2

EXHIBIT B

Chemical. (G) Acrylate-vinyl acetate copolymer dispersion.

Use/Production. (S) Permanent pressure sensitive adhesive. Prod. range: 74,000-98,000 kg/yr.

Y 93-153

Manufacturer. MSP Technology.

Chemical. (G) Condensate of fatty and hydroxylated fatty acids with epoxidized oil.

Use/Production. (S) Coatings, vehicle formulation chemical intermediate. Prod. range: Confidential.

Y 93-154

Manufacturer. MSP Technology.

Chemical. (G) Fatty acid-hydroxy acid condensate.

Dated: August 31, 1993.

George A. Benina,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 93-21991 Filed 9-8-93; 8:45 am]

BILLING CODE 6560-50-F

[FRL-4726-9]

Proposed Assessment of Clean Water Act Class II Administrative Penalty to Hallmark Circuits, Inc., and Opportunity To Comment

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative penalty assessment and opportunity to comment.

SUMMARY: EPA is providing notice of proposed administrative penalty assessment for alleged violations of the Clean Water Act. EPA is also providing notice of opportunity to comment on the proposed assessment.

Under 33 U.S.C. 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the Act. EPA may issue these orders after the commencement of either a Class I or Class II penalty proceeding. EPA provides public notice of the proposed assessments pursuant to 33 U.S.C. 1319(g)(4)(a).

Class II proceedings are conducted under EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation and Suspension of Permits, 40 CFR part 22. The procedures through which the public may submit written comment on a proposed Class II order or participate in a Class II proceeding, and the Procedures by which a Respondent may request a hearing, are set forth in the Consolidated Rules. The deadline for submitting public comment

on a proposed Class II order is thirty days after publication of this notice.

On the date identified below, EPA commenced the following Class II proceeding for the assessment of penalties:

In the Matter of Hallmark Circuits, Inc., located at 5330 Eastgate Mall Road, San Diego, California; EPA Docket No. CWA-DX-FY93-44; filed on August 24, 1993, with Mr. Steven Armsey, Regional Hearing Clerk, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, California 94105, (415) 744-1389; proposed penalty of \$110,000 for failure to comply with the categorical pretreatment standards and requirements for new source metal finishers (40 CFR part 433).

FOR FURTHER INFORMATION CONTACT:

Persons wishing to receive a copy of EPA's Consolidated Rules, review of the complaint or other documents filed in this proceeding, comment upon a proposed assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk identified above. The administrative record for this proceeding is located in the EPA Regional Office identified above, and the file will be open for public inspection during normal business hours. All information submitted by the respondent is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in these proceedings prior to thirty (30) days after the date of publication of this notice.

Dated: August 24, 1993.

William H. Pierce,

Acting Director, Water Management Division.

[FR Doc. 93-21987 Filed 9-8-93; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1963]

Application for Review of Action in Rulemaking Proceeding

September 2, 1993.

Application For Review has been filed in the Commission rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document is available for viewing and copying in room 239, 1919 M Street, NW., Washington, DC or may be purchased from the Commission's copy contractor ITS, Inc. (202) 857-3800. Opposition to

this petition must be filed September 24, 1993. See 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of 73.202(b) of the Commission's Rules, Table of Allotments FM Broadcast Stations (Prineville and Sisters, Oregon) (MM Docket No. 92-3, RM No. 7874 and 7958).

Number of Petitions Filed: 1.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93-21868 Filed 9-8-93; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of July 6-7, 1993

In accordance with § 271.5 of its rules regarding availability of information (12 CFR part 271), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on July 6-7, 1993.¹ The directive was issued to the Federal Reserve Bank of New York as follows:

The information reviewed at this meeting suggests that the economic expansion has picked up somewhat in recent months from the very slow pace of the first quarter. Total nonfarm payroll employment changed little in June after registering substantial gains in April and May, and the civilian unemployment rate edged up to 7.0 percent in June. Industrial production has changed little on balance over the last few months. Real consumer expenditures edged higher in May after a sizable rise in April but have increased only slightly thus far this year. Housing starts turned up in April from a depressed first-quarter pace and rose somewhat further in May. Incoming data suggest a continued brisk advance in outlays for business equipment, while nonresidential construction has remained soft. The nominal U.S. merchandise trade deficit was about unchanged in April but substantially larger than its average rate in the first quarter. Consumer and producer prices were about unchanged in May, but for the year to date inflation has been more rapid than in the second half of 1992.

Short-term interest rates have changed little since the Committee meeting on May 18 while bond yields have declined somewhat. In foreign exchange markets, the trade-

¹ Copies of the Minutes of the Federal Open Market Committee Meeting of July 6-7, 1993, which include the domestic policy directive issued at that meeting, are available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The minutes are published in the Federal Reserve Bulletin and in the Board's annual report.

CERTIFICATE OF SERVICE

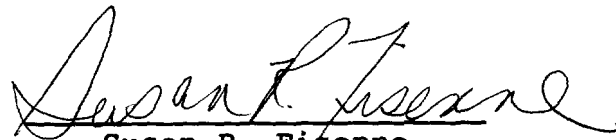
I, Susan R. Fisenne, a secretary to the law firm of Fisher, Wayland, Cooper and Leader, hereby certify that I have sent by hand delivery this Twelfth day of October, 1993, copies of the foregoing "**OPPOSITION TO MOTION TO STRIKE**" to:

Roy J. Stewart, Esq.
Chief, Mass Media Bureau
Federal Communications Commission
1919 M Street Northwest, Room 314
Washington, D.C. 20554

Douglas W. Webbink, Esq.
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Counsel to and Principal of
Danjon, Inc.


Susan R. Fisenne